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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,130

11/14/2005

Peter Knoll

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KENYON & KENYON LLP
ONE BROADWAY
NEW YORK, NY 10004

EXAMINER

LIEU, JULIE BICHNGOC

ART UNIT

PAPER NUMBER

2612

MAIL DATE

DELIVERY MODE

07/25/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/535,130

Applicant(s)

KNOLL, PETER

Examiner

Julie Lieu

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 5/16/05
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This Office action is in response to Applicant's preliminary amendment filed May 16, 2005. Claims 1-10 have been canceled. New claims 11-20 have been added.

Drawings

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the reference numerals in the drawings are handwritten. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Also, though it is not required, Applicant is advised to label drawing blocks in figs. 2 and 3 with legends (in addition to reference numerals already shown).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 11-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hahn (US 2002/0011925).

Claim 11:

Hahn discloses a system, thus also method for warning a driver of a motor vehicle, comprising generating, in a direction of at least one object in a field of view of the driver, at least one optical warning by at least one signaling arrangement; the at least one object being situated in vicinity of the motor vehicle. See abstract and figs. 1-4.

The reference fails to state that the at least one optical warning is generated at least prior to the at least one object becoming visible to the driver. However, the reference does state that the display unit displaying the specific image or symbol at locations of field of vision of the operator and the duration of the specific image or symbol lying below a conscious and above an unconscious perception threshold of the operator (see abstract). Thus, it infers that the display displays the image prior to the object becoming visible to the driver.

Claim 12:

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In the Hahn system, the at least one optical warning includes at least one of at least one patch of light and at least one warning symbol. See figs. 2-4.

Claim 13:

In the Hahn system, at least one of display duration, a repetition frequency, a size, a color, and an intensity of the at least one optical warning is changeable.

Claim 14:

The reference fails to state that the at least one optical warning is generated immediately prior to the at least one object becoming visible to the driver. However, the reference does state that the display unit displaying the specific image or symbol at locations of field of vision of the operator and the duration of the specific image or symbol lying below a conscious and above an unconscious perception threshold of the operator (see abstract). Thus, it infers that the display displays the image prior to the object becoming visible to the driver.

Claim 15:

The optical warning in Hahn's system is generated as a function of a dangerousness of a driving situation. Para [0010].

Claim 16:

In the Hahn system, the at least one optical warning is at least generated as a function of an optical signal of surroundings of the motor vehicle, the optical signals being generated by at least one image-sensor system including an infrared-sensitive image-sensor system. Para [0010].

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Claim 17:

The least one of at least one projection device and at least one heads-up display shown in Hahn's serves as the at least one signaling arrangement generates the at least one optical warning.

Claim 18:

Hahn discloses a device for warning a driver of a motor vehicle, comprising:

at least one signaling arrangement for generating at least one optical warning, the at least one signaling means including an arrangement for generating the at least one optical warning in a direction of at least one object in a field of view of the driver, and the at least one object being situated in a vicinity of the motor vehicle, wherein the at least one signaling arrangement includes an arrangement for generating the at least one optical warning in the direction of the at least one object in the vicinity of the motor vehicle at least prior to the at least one object becoming visible to the driver. See abstract and figs. 1-4.

The reference fails to state that the at least one optical warning is generated at least prior to the at least one object becoming visible to the driver. However, the reference does state that the display unit displaying the specific image or symbol at locations of field of vision of the operator and the duration of the specific image or symbol lying below a conscious and above an unconscious perception threshold of the operator (see abstract). Thus, it infers that the display displays the image prior to the object becoming visible to the driver.

Claim 19:

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In the Hahn system, the at least one signaling arrangement includes at least one of:

an arrangement for generating at least one of at least one patch of light and at least one warning symbol as the at least one optical warning;

an arrangement for changing at least one of a display duration, a size, a color, and an intensity of the at least one optical warning;

an arrangement for generating the at least one optical warning as a function of a dangerousness of a driving situation.

See figs. 1-4 and para. [0010],

Claim 20:

The Hahn system includes at least one infrared-sensitive image-sensor system for generating an optical signal of surroundings of the motor vehicle, wherein the at least one signaling arrangement includes at least one of a projection device and at least one head-up display. See figs. 2-4 and para. [0010].

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Hoehn, US Patent No. 5,519,536.

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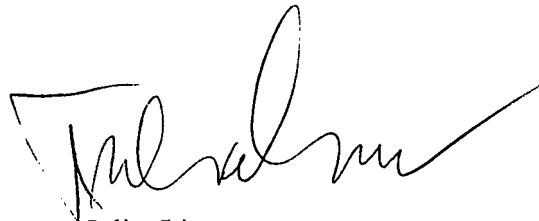
EP 545437 A2.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Julie Lieu whose telephone number is 571-272-2978. The examiner can normally be reached on MaxiFlex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Wu can be reached on 571-272-2964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to read 'Julie Lieu', with a stylized, flowing script.

Julie Lieu
Primary Examiner
Art Unit 2612

Jul 22, 07